

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF HAWAII

IN RE	)	
	)	CASE NO. 16-00239
LEONARD G. HOROWITZ,	)	(Chapter 13)
	)	
	)	
Debtor.	)	
=====	)	
	)	
LEONARD G. HOROWITZ, and	)	ADV NO. 16-90015
individual; and SHERRI KANE, an	)	
individual,	)	
	)	April 29, 2016
Plaintiffs,	)	2:14 p.m.
	)	
v.	)	
	)	
PAUL J. SULLA, JR., ET AL.,	)	U.S. Bankruptcy Court
	)	1132 Bishop Street
Defendants.	)	Suite 250
=====	)	Honolulu, Hawaii 96813

TRANSCRIPT OF MOTION FOR PRELIMINARY INJUNCTION AND EXTENDED STAY  
BEFORE THE HONORABLE ROBERT J. FARIS  
UNITED STATES BANKRUPTCY JUDGE

APPEARANCES:

Plaintiffs Pro Se:	LEONARD G. HOROWITZ
	SHERRI KANE
	13-3775 Pahoehoe-Kalapana Road
	Pahoehoe, HI 96778
For Defendant:	PAUL J. SULLA, ESQ.
<b>Appearing telephonically</b>	P.O. Box 5258
	Hilo, HI 96720

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1 APRIL 29, 2016

2:14 P.M.

2 THE CLERK: Calling adversary proceeding 16-90015,  
3 Leonard Horowitz v. Paul Sulla. This case is called for hearing  
4 on Plaintiff motion for preliminary injunction and extension of  
5 the stay. And, Your Honor, we have counsel on line. Please, Mr.  
6 Sulla.

7 MR. SULLA: Yes, hello.

8 THE CLERK: State your name for the record, please.

9 THE COURT: Yeah, please state your name.

10 MR. SULLA: Paul Sulla.

11 THE COURT: Okay. Thank you.

12 MS. KANE: Sherri Kane.

13 THE COURT: All right.

14 DR. HOROWITZ: Dr. Leonard Horowitz.

15 THE COURT: Okay. All right. Okay, good. Thank you.  
16 Well, I've read the papers, all of them, and my tentative  
17 inclination, subject to hearing from everybody today, would be to  
18 deny this motion, essentially for the same reasons that I granted  
19 relief from the stay a week or two ago.

20 This is a case that's been going on for a long time at  
21 the State Court. The State Court, as I understand it, has made  
22 some rulings, apparently a final ruling. I understand that Dr.  
23 Horowitz and his co-plaintiff disagree strongly with that  
24 decision, but the challenge to that needs to go through the State  
25 Court system. I'm not an Appellate Court sitting over the State

1 Courts.

2           So I'm really not free to disregard or change what the  
3 State Court has decided. If you want to attack that, you have to  
4 do that through the State appellate process. So that's what I'm  
5 inclined to do based on the papers, and I'll give each of you a  
6 chance to speak. So who wants to go first?

7           DR. HOROWITZ: Well, thank you, Your Honor. I am not a  
8 lawyer. I am a humanitarian, activist, and journalist, and I  
9 have done my best to read the case law, so I'm prepared to  
10 address the issues as best I can.

11           THE COURT: Uh-huh.

12           DR. HOROWITZ: I understand that the comity Honorable  
13 Court advanced -- whether or not it's related to Rooker-Feldman  
14 or not is a separate issue -- there's substantial case law,  
15 particularly in the Ninth and Seventh Circuit that supports the  
16 concomitant process in State as well as Federal.

17           And we're here to plead with you, Your Honor, because  
18 actually -- I would like to actually give you some brand new  
19 evidence that came in on Tuesday of this week when the writ of  
20 ejectment, which is really why we're here, it's the writ of  
21 ejectment. We don't have any problem about going forward in the  
22 State Court proceedings. All we want to do is maintain the  
23 status quo and the injunctive relief is really for that purpose.

24           And the issue of the writ of ejectment is outrageous,  
25 unconscionable, and extremely compelling. The new evidence just

1 came in on Tuesday. It happens that the issues of the violations  
2 of the automatic stay that we pled by Mr. Sulla on Saturday  
3 night, the 12th of March, and then subsequent, the sheriff's  
4 involvement, seven days -- eight days later, Margaret Wille, who  
5 you met here --

6 THE COURT: Uh-huh.

7 DR. HOROWITZ: -- testifying on our behalf, went to the  
8 courthouse to get the original writ, and it just so happens that  
9 they did not have the original, Your Honor. I have here a copy  
10 of what they have, and it shows exactly what it is that we've  
11 been dealing with, that we've been pleading for protection.

12 We basically are able to show you now complicity by the  
13 Third Circuit Court Judge, whose name is Fujino, who after  
14 receiving Mr. Sulla's writ served as he did, literally with his  
15 own hand altered the same document, meaning that we're looking at  
16 three different documents, Your Honor.

17 We're look at the writ that was served on us by Mr.  
18 Sulla and/or his agent, we're looking at a writ that was signed  
19 by the judge and held -- maintained by the Court as the true full  
20 original, and there's a third template that was obviously done.

21 The issue is that all three timestamps -- I'm sorry,  
22 all -- well, yes, all three timestamps are identical. They go  
23 back to May 1st, which is an impossibility to make it thereby  
24 prima facie evidence of what we've been pleading for years, that  
25 there is such intense corruption ongoing that is damaging us,

1 prohibiting due process of law.

2 Under those circumstances, from all the case law that  
3 I've read, we have compelling reason to change what Your Honor  
4 very honorably did. We want to be able to say we have a justice  
5 system that is operating optimally in justice and that it's  
6 appropriate that the Federal Branch support the State Branch in  
7 comity concerns, but under these extraordinary circumstances,  
8 Your Honor, I plead with you to reconsider and to simply grant us  
9 the leave -- or the stay on just the writ, because what the  
10 situation is, it's compounding irreparable harm, we have -- not  
11 just for us.

12 And then looking at the elements -- and what I've  
13 prepared -- if you would like, I can go over the four different  
14 elements that are required under law to endorse an injunctive  
15 relief.

16 THE COURT: I'm familiar with that.

17 DR. HOROWITZ: Yeah.

18 THE COURT: Right, yeah.

19 DR. HOROWITZ: So I won't then burden you with that  
20 again. The bottom line is there's no question that we're being  
21 irreparably harmed. It's affecting our lives, it's affecting our  
22 businesses, it's affecting all sorts of other people in the  
23 community, and it's really harming Ms. Kane's health. I'm sure  
24 she'll mention that.

25 The bottom line is that we have an exceptional

1 circumstance here, and we would plead with you to not go up  
2 against what the State is doing. We would like to actually -- we  
3 feel, because of the merits of our case, because of the  
4 documentation that we have, there's no question in my mind if  
5 justice is served, and we believe it will be in the State Courts,  
6 we will prevail in the Appeals Court.

7 And the issue now becomes the recovery plan, the  
8 reorganization plan, the property itself that's central to the  
9 reorganization plan. The whole bankruptcy was filed in and  
10 around us being able to sustain ourselves in the status quo in  
11 working on that property to do what we've been doing.

12 And so, it would be a gross injustice if the relief of  
13 the stay now being granted, and then going over to the  
14 possibility that the corruption will prohibit justice to be  
15 administered in the stay, that Mr. Sulla and Mr. Hester would --  
16 and actually, Mr. Hester is here in Honolulu today. He was on  
17 the plane. I'm surprised he's not here today. But Mr. Sulla is  
18 really a party of interest. Mr. Sulla has told our attorney that  
19 if he gets the property, he's going to sell the property.

20 Under those circumstances and with regard to the  
21 Appeals Court process, we stand to have a really devastating  
22 outcome and there's no remedy of law for this during the appeal.

23 THE COURT: But you could seek a stay pending appeal  
24 from the Appellate Court in the State Court system, right? I  
25 mean even if you can't get it from the Third Circuit Court.

1 DR. HOROWITZ: And believe me, Your Honor, we're going  
2 to do everything, Your Honor -- I mean we've been at this now for  
3 11 years. It's been devastating, and we're also using it as a  
4 social service. We're trying our best, because the news just  
5 came out this past week, largely as a result of our involvements  
6 with other people.

7 There is a huge amount of state corruption ongoing that  
8 has created a lot of problems, for a lot of people, and has  
9 created a reputation of a challenge to the legitimacy of the  
10 Judiciary in the State. And the business community also.

11 So we really are here also as activists to try to clean  
12 up and being able to serve the judicial process. And, in the  
13 meantime, yes, those remedies -- if we simply have the stay from  
14 Your Honor, we would love to go ahead and deal with all these in  
15 the appellate courts. And so, I plead that you would just simply  
16 grant a stay of the writ of ejectment --

17 THE COURT: Uh-huh.

18 DR. HOROWITZ: -- and then we could proceed. Oh, yes,  
19 and I'll give you that evidence that I was talking about. May I  
20 approach?

21 THE COURT: Please go ahead, yes. Just hand it to the  
22 Clerk, please.

23 MR. SULLA: Your Honor.

24 DR. HOROWITZ: Thank you, Your Honor.

25 THE COURT: Yes, you can't see it, I know. Let me take

1 a look at it first. Okay. I will come back to Mr. Sulla, but go  
2 ahead and finish up, please, Dr. Horowitz.

3 DR. HOROWITZ: Yes. Thank you, Your Honor. That's --  
4 I believe that you have our pleading, and it's been really  
5 devastating. We're here to serve not just ourselves, we're here  
6 to serve the community at large and really -- actually, if you  
7 understood who I am and what I do in the world, you would know  
8 that I'm here in good faith to serve justice.

9 And so, I ask for your reconsideration. Thank you,  
10 Your Honor.

11 THE COURT: I understand. Ma'am.

12 MS. KANE: Yes. Do I -- should I stand or can I --

13 THE COURT: You can stay seated, that's fine.

14 MS. KANE: -- okay. Not giving us this injunctive  
15 relief will cause us irreparable harm, because -- irreparable  
16 harm, because this is our only home and Len has been forced into  
17 bankruptcy because of the legal fees that are coming from the  
18 malicious prosecution by Paul J. Sulla, Jr., who owns over 50  
19 properties according to -- when we went to the DCCA, and looked  
20 up the records, and the Tax Office in Honolulu.

21 According to the records, he owns 50 properties that he  
22 conceals himself with, through a vertical abuse of trust  
23 beneficiary scheme, meaning he creates corporations and trusts  
24 and keeps himself an arms-length away from them creating either  
25 fake people or he creates people that he knows, like Mr. Hester,



1 and he puts them as the front man to hide his concealed interest  
2 in the real estate property, which he is using for his illegal  
3 run Ayahuasca Church where he is actually manufacturing drugs,  
4 according to sworn affidavits we received, and people all over  
5 the community know about this.

6 He does not need our home. And he nor Hester -- Mr.  
7 Hester, are entitled to our home. They are not on the original  
8 notes, and they have no equity in our home. They never paid for  
9 it. Leonard and I combined, have tremendous equity in this  
10 property.

11 Also, we heard from our attorney, Margaret Wille, Mr.  
12 Sulla had already told her that Mr. Hester will not get our  
13 house. He will not get it at all. What he is, is he's a paid  
14 shill. He is -- so the only ones that are going to be really  
15 harmed are me and Dr. Horowitz, because this is our home and Mr.  
16 Hester is not going to get the home, and Mr. Sulla already has a  
17 67-acre compound where he manufactures his drugs, and he lives in  
18 that compound. He also has a house on the beach, and he also has  
19 numerous other properties that I mentioned. So he doesn't need  
20 our property.

21 Also, he's a concealed real party-in-interest. He's  
22 concealed himself. According to the law that we read, you have  
23 to be the real party-in-interest to come forward and to claim  
24 anything. And everything has been done via forgeries.

25 We have a final judgment that said that we paid all of

1 -- we paid the balloon payment. The final payment was paid. We  
2 went through a jury trial and beat that. And then, while that  
3 was on appeal for our 200,000 jury award that was given to us for  
4 fraud in the sale of the property, Mr. Sulla doesn't wait for the  
5 appeal to end, he goes and holds a non-judicial foreclosure  
6 auction and sells our house to a church that did not exist, with  
7 Mr. Hester as the overseer of it, claiming he was the seller's  
8 nephew.

9 At the same time, he goes to the Probate Court, tells  
10 the Probate Court, Mr. Lee, which was the seller doesn't own  
11 anything, because we had been --

12 THE COURT: You know, I hate to interrupt.

13 MS. KANE: -- okay.

14 THE COURT: I have read all of this.

15 MS. KANE: Okay. Okay. I just --

16 THE COURT: So I -- also, you have --

17 MS. KANE: -- it's very, very disturbing to me.

18 THE COURT: -- and you've also presented it all to the  
19 State Court.

20 MS. KANE: Okay.

21 THE COURT: So --

22 MS. KANE: So how can a bankrupt retired person such as  
23 Dr. Horowitz be forced now to go to a hearing -- this is what  
24 they're forcing us, into a hearing for a bond. They want us to  
25 pay I don't know how much money, which how are we going to pay

1 that money? This is the remedy that we are going to get if we  
2 try to stay our case in order to have it stay while we go to  
3 appeal? This is not justice, Your Honor. I mean, obviously, we  
4 would not have -- we would not have gone into bankruptcy. Dr.  
5 Horowitz would not have done that if we had money. That's the  
6 point of it.

7           Being forced into this bankruptcy has caused us both  
8 severe and emotional distress. Leonard had great credit built up  
9 over the years, and we have joint credit cards together, which  
10 had been cancelled due to the filing of this bankruptcy. The  
11 cards we used to pay for the book reprints for our online store  
12 we're not able -- we are now unable to pay for those book  
13 reprints, because we were using the credit card to do that.

14           Now, all the money that goes into our store has to pay  
15 for the legal fees on a property that they are stealing from us.  
16 Claiming bankruptcy was the last straw for us, after seeing that  
17 the judge was actually going to go ahead and give our property  
18 away with no evidence from Sulla to justify it. How would we pay  
19 our legal bills when we depended on getting this property to  
20 support itself?

21           We needed to free ourselves of Mr. Sulla, and he would  
22 not be able to continue getting away with his blatant crimes if  
23 it were not for the judges in the Third Circuit Court being  
24 willfully blind. We have invested our lives into being  
25 humanitarians and helping others, and we don't deserve this

1 injustice.

2 I have been very, very sick over this, Your Honor. I  
3 have terrible stomach issues, I have a heart problem, and I have  
4 been trying to stay calm, and it's just the most overwhelming  
5 thing when you think you're going to lose your home, not because  
6 you didn't pay your mortgage, but because of fraud, forgeries,  
7 and lies, and a false person claiming they have any type of --  
8 when there should have been a trial with those guys. They should  
9 have said show me your evidence. We never had a trial with Mr.  
10 Sulla or Mr. Hester. It's complete injustice.

11 Also, the Appeals Court. Since 2009, we have been  
12 trying to appeal the \$200,000 jury award. They keep sending it  
13 back saying, sorry, it's not -- it doesn't -- it's not according  
14 to Jenkins. We have to send it back. So how many -- you know  
15 how expensive it is to keep filing an appeal, over an appeal, not  
16 getting any justice.

17 What's your remedy? You go to the Appeals Court like  
18 you said, and they say, oh, it's premature. You go to the  
19 Appeals Court, and they say, sorry, this is not a final judgment,  
20 so we can't help you. So there really wasn't any other remedy  
21 for us, Your Honor. That's why we came to this Court.

22 We know that the only place that's going to handle it  
23 with civil rights, that respects the Constitution, is going to be  
24 a Federal Court, and the only way we're going to be able to save  
25 the property is coming and claiming bankruptcy, because we cannot

1 pay our legal bills anymore. We have \$100,000 plus that we owe  
2 in legal bills right now and where are we going to get that money  
3 if we can't open up the inn, because Mr. Sulla has stopped us all  
4 these years? I mean that was one of the main reasons for  
5 reorganization.

6 How can our rights be violated? And how can Mr. Sulla  
7 evade trial, and Mr. Hester? How can his blatant forgeries, and  
8 lies, and ongoing crime be ignored? And why isn't he in prison?  
9 That's the question that so many people want to know, because  
10 it's completely outrageous. We showed you how he's lied to you,  
11 Your Honor. The same way he's lied to you, he's lied to us, he's  
12 lied to the State Court.

13 He's going to continue to do this, and we're not the  
14 only victims. He's done this to other -- many other people.  
15 Margaret has told us you're not the first ones, and we have --

16 THE COURT: Okay. No, no. That's hearsay. Thank you.

17 MS. KANE: Okay. Well, we can provide evidence for  
18 that if you want of other people that he's damaged.

19 THE COURT: Well, I don't see how it's relevant to this  
20 case, but --

21 MS. KANE: Okay.

22 THE COURT: -- please go ahead.

23 MS. KANE: I have witnessed, and so has Dr. Horowitz,  
24 since 2009, how Sulla operates without any conscience. He has  
25 disrupted our lives and has kept us in courts defending our only

1 property. Mr. Wittaker, Sulla's State Court attorney, has told  
2 our attorney that Mr. Sulla is his client, not Mr. Hester,  
3 meaning Mr. Sulla is bank rolling the whole scheme. Mr. Hester  
4 is just being used by Mr. Sulla. He is -- he is probably in his  
5 late thirties, if you would meet him. We saw him on the plane.  
6 He was supposed to come here today. We believe he got spooked,  
7 because they know that they have the FBI and other --

8 THE COURT: I have --

9 MS. KANE: -- and other federal investigators --

10 THE COURT: -- I have read what you said --

11 MS. KANE: -- okay.

12 THE COURT: -- about this, so.

13 MS. KANE: Okay. So Sulla is using Mr. Hester to  
14 conceal his own interests and everything needs to be prosecuted  
15 in the real party of interest, and so far it has not. If Mr.  
16 Sulla does get arrested for any of these crimes, he will blame  
17 Mr. Hester for them, and he will most likely walk. That's what  
18 his pattern is, that's what happened in the Arthur Lee Ong case.

19 Mr. Sulla is attempting to use Rooker-Feldman or comity  
20 to get out this and to get out of trial. The problem is there  
21 are different parties in this case, besides from Mr. Hester, who  
22 is not even the real party of interest. Those parties are not in  
23 our State Court action.

24 Neither -- Stewart Title is not in there, Mr. Sulla is  
25 not in there, and Mr. Wittaker are not part of our State Court

1 action. So there can be no justice in the State Court regarding  
2 those parties.

3 Even if Mr. Hester were the only Defendant listed in  
4 this adversarial case, which he is not, we have attempted to gain  
5 justice, as I mentioned, in the State Court, but they are  
6 violating their own rules and statutes.

7 Okay. This is -- okay. What happened to us in the  
8 State Court is that we did hire a lawyer. After they said we  
9 couldn't represent ourselves, we hired a lawyer. They wouldn't  
10 allow our lawyer to come in at that time and represent us for a  
11 corporation that was defunct since 2012. Before that we had said  
12 any interest that corporation had -- we had a deed that said me  
13 and Dr. Horowitz were the ones, so he couldn't keep suing  
14 anymore. He kept suing it.

15 That's why we are here today, because he kept suing  
16 that Corporation Sole, which they didn't recognize 419-8, the  
17 judge, and they didn't recognize anything, and kept suing it, and  
18 suing it, and suing it. That's what brought us here today. We  
19 -- we -- what did we do with that Corporation Sole? We dissolved  
20 --

21 THE COURT: Dissolved it, right.

22 MS. KANE: -- the Corporation Sole in 2012. Before we  
23 did that, we put ourselves on the -- any interest that went to  
24 us, Dr. Horowitz was on the original promissory note --

25 THE COURT: Yeah.

1 MS. KANE: -- which gave him standing. Mr. Hester  
2 never --

3 THE COURT: And I'm sorry --

4 MS. KANE: -- had any standing.

5 THE COURT: -- but I really have read all this.

6 MS. KANE: Okay. Okay.

7 THE COURT: So I think you are repeating what --

8 MS. KANE: I know, I'm sorry, Your Honor. This is --

9 THE COURT: -- yeah, so --

10 MS. KANE: -- it's been very, very --

11 THE COURT: -- I would ask you to --

12 MS. KANE: -- difficult. I'm very --

13 THE COURT: -- please get to the --

14 MS. KANE: -- sick. You know --

15 THE COURT: -- if you get to anything new or --

16 MS. KANE: -- and I just want to --

17 THE COURT: -- please, just --

18 MS. KANE: -- okay. Okay. So we're here today to  
19 plead for at least looking at Mr. Sulla, who is not a party in  
20 the State Court action, and he is the one that we filed this  
21 injunctive relief particularly against. He has violated the  
22 automatic stay. Regardless if it was on -- it was still ongoing,  
23 and he did that.

24 I mean the justice system cannot allow Mr. Sulla to  
25 continue to do these things. He can claim, oh, well, it's in the



1 State Court. No, the automatic stay had to do with this Court.  
2 It had nothing to do with that Court. So we're asking the Court  
3 today to look at the violation of Mr. Sulla's automatic stay, the  
4 fact that Mr. Sulla is not a party in the State Court action, and  
5 we're also looking for, like Dr. Horowitz mentioned, a stay on  
6 the writ of ejectment.

7           If the Appeals Court finds out that, yes, we are not  
8 entitled to it, then of course we have to leave, but we know that  
9 this is -- nothing has been pled on the merits. And they are  
10 trying to evade that. If they happen to be given our property --  
11 we're not dealing with a bank, Your Honor. We're dealing with a  
12 group of drug dealers, white collar criminals, and I strongly  
13 believe if they -- if we are given back our property after they  
14 take it, they will vandalize it.

15           I am very, very concerned. We are very concerned for  
16 our lives on that property. If we were dealing with a bank, they  
17 would lock the gate, they would say, okay, when it's decided  
18 whoever comes back in, whether it's the bank or -- this is not  
19 the case in this situation. And they've never lived on our  
20 property. They've never set foot on our property. We maintain  
21 this land. It's 17 acres that they're trying to take. We spent  
22 tons of money to maintain that, and our home, and this would be  
23 totally unfair and horrible if they're able to take our property.

24           THE COURT: Okay. Okay. I'm going stop you at this  
25 point --

1 MS. KANE: Okay.

2 THE COURT: -- and give Mr. Sulla a chance.

3 MS. KANE: Thank you, Your Honor.

4 THE COURT: Mr. Sulla, please go ahead.

5 MR. SULLA: Thank you, Your Honor. This motion is, I  
6 believe, for a preliminary injunction or for an extended stay.  
7 They are alleging the grounds has to do with the fact that I  
8 violated the stay in some way, yet they didn't show that I had  
9 notice of the bankruptcy until -- they said there was a filed --  
10 it came to me on a Saturday. I wasn't here in my office  
11 Saturday. I don't work on Saturday or Sunday, but I never got  
12 notice of it.

13 It was mailed on Thursday. There's no proof I got it  
14 on a Friday. In fact, I didn't, because I actually filed  
15 something in the related matter against these parties for liens  
16 that they put over on me and 50 other people, mistakenly, that we  
17 had to get cleared up. So I had to file the damages, but there  
18 was no notice for us.

19 And so, there was nothing willful here at all. As soon  
20 as we learned of the stay we stopped everything. Mr. -- Attorney  
21 Wittaker had sent out the writ of the judgment, and it was over  
22 the weekend. It was served by the process servers who didn't  
23 know. Mr. Wittaker didn't have any knowledge. Nobody had any  
24 knowledge until Monday.

25 So we couldn't really be violating this willfully in

1 that respect. I think that's what's before the Court at this  
2 time.

3 The rest of the matters, Your Honor, I can go on and  
4 on. This has been -- all of these actions and all of these  
5 things that have been stated, have been stated not only in State  
6 Court, but in Federal Court actions -- two or three Federal Court  
7 actions. They have all been dismissed and one is on stay right  
8 now there.

9 So there's no end to the amount of harm they have  
10 caused themselves and all the legal fees they have caused  
11 themselves when they could have resolved the matter and that's  
12 always been the tragedy in this matter, Your Honor, but it cost  
13 my client a great deal to have to go this far and at this stage  
14 -- you know, it's finished, there's a final judgment. They've  
15 appealed. They have a chance to stay the ejectment appeal that's  
16 coming up in May.

17 And other than that, I don't -- you know, I just would  
18 -- and then we have the adversary proceeding. This is an  
19 adversary proceeding. We have a motion to dismiss it, so that  
20 will be another proceeding. That's all I have to say, Your  
21 Honor.

22 THE COURT: Okay. This is what I'm going to do today.  
23 I want -- I have these papers here, which are not -- I want to  
24 make them part of the record, which means I need you to sign  
25 them, and then take them downstairs to the Clerk and file them,

1 and I'll let them know that you're coming with them. And then  
2 they will be available in the electronic docket, so that Mr.  
3 Sulla can see them.

4 I'm going to take the matter under advisement and give  
5 you a decision in writing shortly. Okay.

6 DR. HOROWITZ: Your Honor, may I?

7 THE COURT: Yes, go ahead. Go ahead, Dr. Horowitz.

8 DR. HOROWITZ: Yes, if I might just respond --

9 THE COURT: Yes.

10 DR. HOROWITZ: -- to a couple things Mr. Sulla said  
11 that he had stopped as soon as he found out. That's not the  
12 case. He was actually contracting about seven or eight days  
13 later with the sheriff to execute the writ. And we have not only  
14 the sheriff capable of presenting evidence of that, but also  
15 Margaret Wille.

16 The fact is that Mr. Sulla, in this case, knows he was  
17 disqualified by Judge Puglisi. He was disqualified as a required  
18 witness at trial, and we never had a trial. And that's, again,  
19 the writ of ejectment that you have. This is the same court that  
20 somehow now is giving our property away without any due process.

21 So it is -- the case law that I've read involves when a  
22 disqualified attorney defies the disqualification, it then  
23 becomes not only a contempt of court, but, obviously, a  
24 malpractice or an ethical rules violation.

25 THE COURT: Right. Yeah.

1 DR. HOROWITZ: So, again, this is part of what we've  
2 seen over and over again. This man has a criminal condition of  
3 mind. He is in my humble opinion as a behavioral science expert,  
4 Harvard degree, I can tell you that I'm witnessing a psychopathic  
5 liar operating under color of law, and we're not the only ones  
6 that are being extremely damaged. Thank you, Your Honor.

7 THE COURT: Briefly, ma'am, yes.

8 MS. KANE: Thank you. I wanted to just point out --

9 MR. SULLA: Your Honor --

10 THE COURT: Hold on, Mr. Sulla. I'll let you -- I'll  
11 come back to you.

12 MS. KANE: -- I also wanted to point out that Mr. Sulla  
13 just lied right there to you when he stated that he gave -- that  
14 Mr. Wittaker gave the documents to a process server. If you look  
15 at his declaration, he states that -- in one of the declarations,  
16 I believe it was the one he didn't file with the Court, but sent  
17 us in the mail, which was added -- and we added that in our  
18 supplemental pleading, he said in there that Mr. Wittaker sent  
19 him the writ of ejectment, and he then gave it to a process  
20 server. He just claimed to you that Mr. Wittaker sent it  
21 directly to a process server.

22 So he knows he's disqualified, and he saw that  
23 document. So now, as usual, he's -- and it's a big part of the  
24 story, because he's been disqualified. He's not supposed to be  
25 dealing with any action in that court. And so, he's saying, oh,

1 but Mr. Wittaker --

2 THE COURT: That's not -- he's been disqualified in a  
3 case.

4 MS. KANE: In the one that deals with that particular  
5 writ --

6 THE COURT: Right. Okay.

7 MS. KANE: -- of ejectment that he's dealing with.  
8 He's been -- he knows --

9 THE COURT: By the Federal Court. By the Federal  
10 Court, by Judge Puglisi.

11 MS. KANE: Yeah, which was --

12 THE COURT: Okay.

13 MS. KANE: -- which was remanded -- removed, and then  
14 remanded back.

15 THE COURT: Okay.

16 MS. KANE: So it's part of that same case, and he's  
17 been told that he can't be in that. So there was -- if you look  
18 at what he wrote in the declaration, it doesn't match. He said  
19 in the declaration that he received it on -- he received it from  
20 Mr. Wittaker --

21 THE COURT: Right.

22 MS. KANE: -- and then waited until May 5th, to give it  
23 to a process server, and then the process server could submit it  
24 anytime --

25 THE COURT: Yeah.

1 MS. KANE: -- but he should have contacted the process  
2 server as well and said, hey, this is on a stay, which he didn't  
3 do, and he -- I just wanted to point out the one additional lie.

4 THE COURT: I see. Okay.

5 DR. HOROWITZ: And Mr. Wittaker knew also that Mr.  
6 Sulla was disqualified. He should not have been (indiscernible)  
7 from the 304, those documents to serve to us.

8 THE COURT: Okay. I understand. I'll give you the  
9 last word, Mr. Sulla, but please keep it brief.

10 MR. SULLA: Thank you. I'll try to be brief, Your  
11 Honor. First of all, this issue of material witnesses, I guess  
12 is going to come up more and more. I was disqualified as a  
13 material witness in the matter, but we're past judgment, and I'm  
14 not sure that those grounds are going to be met in the adversary  
15 proceeding brought in the Bankruptcy Court against me personally.  
16 I don't see how it -- how it matches, but we -- there's -- there  
17 are so many allegations and claims and, you know, fraud and  
18 crime, and everything in this case.

19 It sort of colors the situation, but it's really  
20 basically a proceeding in which these parties are clearly  
21 desperate trying to protect their property, trying to stay in  
22 their home that they have been in.

23 It's not their home, but the property that they have  
24 managed and probably gave their (indiscernible) over the past six  
25 year without paying a dime and without completing their

1 obligations when they had plenty of time, and they could have.

2 And now we're here calling everyone names. We've had  
3 one defamation action right after the other one, because they  
4 just don't continue in the courts, they continue in the -- on the  
5 Internet and everyplace they can. And this is nothing that they  
6 see that is not fraudulent, not criminal, or would have  
7 justification.

8 They don't worry about the facts. They haven't heard a  
9 decision they like. If they don't like it, then it's fraudulent,  
10 and the judge is a crook, and all that. So I just want to put  
11 that in that light. I've listened to it now for about an hour,  
12 and it's gets wearing after a while.

13 THE COURT: Okay. All right. So I'm going to give  
14 this --

15 MS. KANE: Your Honor, he's omitting some --

16 THE COURT: -- no, no, no, we're done. I'm going to  
17 give this document back to you, so you can sign it, and file it,  
18 and then you'll be receiving a decision as soon as I get it done.

19 MR. SULLA: Oh, yeah, Your Honor, I didn't get to see  
20 those documents. You're going to have them electronically  
21 entered?

22 THE COURT: Yeah, they'll be on the docket, and you'll  
23 be able to see them there as soon as they're up there.

24 MS. KANE: Your Honor, can I say --

25 MR. SULLA: Okay. Thank you, Your Honor.



1 THE COURT: No, I think we've had -- we're finished.

2 MS. KANE: Okay. I just --

3 THE COURT: We're done for the day.

4 MS. KANE: Thank you.

5 THE COURT: Thank you very much. Court is in recess.

6 THE CLERK: Court stands in recess subject to call.

7 (Proceedings Concluded)

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## CERTIFICATE

I, Jessica B. Cahill, court approved transcriber, certify that the foregoing is a true and correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

Dated: May 27, 2016



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Jessica B. Cahill, CETD\*\*-708